

REMARKS/ARGUMENTS

Status of the Claims

Before this Amendment, claims 1 – 55 were present for examination. No claims are amended, canceled, or added. Therefore, claims 1 – 55 remain present for examination, and claims 1, 15, 27, 43, and 49 are the independent claims.

The Office Action rejected claims 1 – 55 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Zimmers et al., U.S. Patent No. 6,816,878 (“Zimmers”), in view of the cited portions of Hunter et al., U.S. Patent No. 7,233,781 (“Hunter”), and in further view of the cited portions of Edson, U.S. Patent No. 6,526,581 (“Edson”). Applicants respectfully request reconsideration for the reasons that follow.

35 U.S.C. §103 Rejections

The Office Action rejected independent claims 1, 15, 27, 43, and 49 under 35 U.S.C. §103 as being unpatentable over Zimmers, in view of Hunter, and in further view of Edson. Applicants respectfully submit that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, Applicants request reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, all claimed limitations must first be taught or suggested by the prior art. *See, e.g., DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006). The Office Action must then provide an explicit analysis supporting the rejection. *See KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (“a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art”). While the Office Action can use one of several exemplary rationales from the MPEP to support an obviousness rejection under *KSR*, all the rationales still require the Office Action to demonstrate that all the claim elements are shown in the prior art. *See* MPEP §2143. However, as will be discussed below, the references cited by the Office Action and ordinary knowledge in the art fail to teach or suggest all the recitations of independent claims 1, 15, 27, 43, and 49.

Specifically, Zimmers, Hunter, and Edson cannot be relied upon to teach or suggest, alone or in combination: “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in independent claims 1, 15, 27, 43, and 49.

According to the Office Action “the combination of Zimmers, Edson, and Hunter teach ‘the alert gateway ... is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert.’” In particular, the Office Action argues that “Edson teaches Router 103 in conjunction with CPU 105 of Gateway 13 [sic] prioritizes and routs various communications between the internal device and between the devices and the external communication facilities (Col. 11 Lines 3-19).” Office Action, page 5, line 18 – page 6, line 2. Thus, the Office Action suggests that the cited portions of Edson teach or suggest “the alert gateway ... configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the independent claims.

However, while Edson generally discusses a gateway that interfaces with multiple types of devices, there is apparently no suggestion in Edson about receiving alerts. As such, even if the Edson gateway is construed as the claimed “alert gateway,” Edson cannot reasonably be construed as providing any teaching or suggestion of the gateway being “configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the independent claims 1, 15, 27, 43, and 49.

Moreover, the cited sections of Edson (Col. 11 Lines 3-19) merely seem to discuss prioritizing and routing of communications, and there is no suggestion or teaching of any sort as to analyzing the alert signals. In fact, according to Edson, the routing of communications is based on well-known methods, such as a packet-switched routing. (*See* Edson, Col. 10, Lines 59 – 62) (“The router 103 provides packet-switched routing to and from the various interfaces 121, 123 and 125, to enable communication between the various devices within by the

premises”). As is known to one of ordinary skill in the art, packet switching is a digital network communications method that groups all transmitted data – *irrespective of content, type, or structure* – into suitably-sized blocks, called packets. Thus, Edson teaches away from determining to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert (even if assuming, *arguendo*, that the Edson gateway is receiving alerts). Moreover, Applicants are unable to find any mention, anywhere throughout the entire disclosure of Edson, of any type of analysis of alerts, let alone any analysis of the alerts to determine routing. Therefore, Edson cannot reasonably be construed as teaching or suggesting “the alert gateway ... configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert” as recited in the independent claims 1, 15, 27, 43, and 49.

Regarding Zimmers, previous Office Actions have repeatedly seemed to construe Zimmers as failing to suggest an alert gateway communicating with two or more types of subscriber equipment. In fact, the Office Action apparently concedes that Zimmers does not disclose an alert gateway located at the subscriber location at all. Rather, it seems that Zimmers only generally describes sending alerts in appropriate formats to generally available devices, like phones and facsimile machines. *See, e.g., Zimmers*, Col. 4, lines. 17 – 28. Thus, even if, *arguendo*, each phone or facsimile machine were construed to be a gateway, Zimmers would still fail to teach or suggest “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the independent claims 1, 15, 27, 43, and 49.

Regarding Hunter, throughout its disclosure, Hunter repeatedly states that emergency notifications are sent to a “device *corresponding to each user*.” *Hunter*, Abstract; Col. 3, line 2; Col. 4, lines 2, 16, and 38 – 39; *et al.* (emphasis added). As such, even if Hunter suggests “a need for a targeted dissemination of emergency information to differing geographic areas containing individuals with different personal needs or concerns” (as the Office Action contends), it seems clearly to intend that each of those individuals is associated with a single device. Thus, there appears to be no teaching or suggestion in Hunter of a gateway “in

communication with two or more types of subscriber equipment,” and certainly no teaching of the gateway being configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in independent claims 1, 15, 27, 43, and 49.

For at least the reasons discussed above, Zimmers fails to teach or suggest “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the independent claims. Moreover, neither Hunter, Edson, ordinary knowledge in the art, or any combination thereof remedies these deficiencies of Zimmers. Particularly, even if we assume, *arguendo*, that all the teachings alleged by the Office Action are present in the cited references, the combination would still fail to teach or suggest the recitations of the independent claims. For example, even if there were some motivation or suggestion to send the alerts of Zimmers in multiple formats to the multiple individuals of Edson, and each of the individuals received the alerts with the gateway of Hunter, there would still be no teaching or suggestion of “wherein the alert gateway is in communication with two or more types of subscriber equipment, and is configured to analyze the alert and to determine to which of the two or more types of subscriber equipment to provide the alert as a function of analyzing the alert,” as recited in the independent claims.

Further, the Office Action does not provide any teaching from other art or reason why this recitation would be within the knowledge of a person of ordinary skill in the art. As such, the combined teachings of the art, as cited by the Office Action, fail to establish a *prima facie* case of obviousness as to independent claims 1, 15, 27, 43, and 49. Claims 2 – 14, 16 – 26, 28 – 42, 44 – 48, and 50 – 55 are believed allowable at least for reasons of their dependence from allowable base claims. Applicants, therefore, respectfully request that the §103 rejections to all the claims be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,
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